



USDC 13-0107

DOCUMENT

ELECTRONICALLY FILED

U.S. Department of Justice

United States Attorney
Southern District of New York

DOC#

DATE FILED:

1/15/13

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 10, 2013

BY FACSIMILE

The Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street, Room 2510
New York, New York 10007

Re: Vernon Adderley v. United States
04 Civ. 2761 (DAB)
99 Cr. 574 (DAB)

Dear Judge Batts:

MEMO ENDORSED

The Government respectfully submits this letter to request appointment of counsel for Vernon Adderley in connection with his pending petition under Federal Rule of Civil Procedure 60(b)(6). The Government's response to the defendant's petition is due tomorrow, January 11, 2013. The Government has now closely considered the claims raised in the defendant's petition. While we believe the petition to be untimely, procedurally barred, and otherwise inappropriate for the relief sought, the defendant has raised what appear to be non-frivolous issues concerning his designation as a Career Offender under the Sentencing Guidelines. Accordingly, the Government respectfully requests that the Court appoint CJA counsel to represent the defendant in connection with the instant petition and grant an additional 90 days for the Government to respond, so that the Government can discuss these issues with an attorney and come to an appropriate resolution.

Granted.
Matter is
referred
to Magistrate
Judge for
appointment
of non-
conflicted
counsel
prior to
1/29/13.
/DAB
1/15/13

MEMO ENDORSED

Respectfully submitted,

PREET BHARARA
United States Attorney

By:

Christian R. Everdell
Christian R. Everdell
Assistant United States Attorney
(212) 637-2556

SO ORDERED

Deborah A. Batts
DEBORAH A. BATTIS
UNITED STATES DISTRICT JUDGE
1/15/13

TOTAL P.001